

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DEBBIE L. TREZVANT, TIMOTHY CAHILL, DEBORAH CHERYL ARCH, and MARY-CATHERINE PICHE, on behalf of themselves and others similarly situated,

Plaintiffs,

V.

FIDELITY EMPLOYER SERVICES
CORPORATION, FIDELITY EMPLOYER
SERVICES COMPANY LLC, and FMR
CORP.,

Defendants.

CIVIL ACTION NO. 05-CV-10673-WGY

**JOINT MOTION FOR EXTENSION OF TIME IN WHICH DEFENDANTS MAY
RESPOND TO PLAINTIFFS' AMENDED COMPLAINT**

At the request of Defendants, following the filing of Plaintiffs' First Amended Complaint ("Amended Complaint") on or about June 22, 2005, the parties hereby jointly move for an extension of time in which Defendants may answer, move, or otherwise respond to the Amended Complaint in the above-captioned action through and including August 26, 2005. As grounds for this motion, the parties state as follows:

1. The Plaintiffs filed their Complaint on or about April 5, 2004, and served the Complaint and Summonses on Defendants on or about May 4, 2005.

2. Plaintiffs’ Complaint alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), which Plaintiffs sought to assert in a collective action pursuant to 29 U.S.C. § 216(b).

3. Plaintiffs filed their Amended Complaint on or about June 22, 2005. In their Amended Complaint, Plaintiffs amended the definition of the class on behalf of which they purport to assert their FLSA claims by, among other things, adding job classifications to the job classifications used to define the class in their original Complaint.

4. In addition to the FLSA claims in Plaintiffs' original Complaint, the Amended Complaint also includes a new and separate count for alleged violations of New Hampshire state law, which Plaintiffs seek to assert as a class action pursuant to Fed.R.Civ.P. 23.

5. Because of Defendants' counsel's litigation schedules and vacations plans, Defendants require additional time in which to answer, move, or otherwise respond to the Amended Complaint.

6. Counsel for Defendants requested that Plaintiffs agree to this extension of the time for Defendants to respond, and counsel for Plaintiffs agreed to submit this joint motion.

7. The requested extension would cause Defendants' responsive pleading to be due on or before Friday, August 26, 2005.

WHEREFORE, the parties respectfully move that this Court grant an extension of time through and including August 26, 2005 for Defendants to answer, move, or otherwise respond to the Amended Complaint in this matter.

Respectfully submitted,

DEBBIE L. TREZVANT, TIMOTHY
CAHILL, DEBORAH CHERYL ARCH, and
MARY-CATHERINE PICHE,
By their attorneys,

FIDELITY EMPLOYER SERVICES
CORPORATION, FIDELITY EMPLOYER
SERVICES COMPANY LLC and
FMR CORP.,
By their attorneys,

/s/ Ira Spiro

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